

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

In light of the determination that plaintiff was not in imminent danger of serious physical injury at the time he filed this lawsuit,

IT IS HEREBY ORDERED that PLAINTIFF'S PAUPER STATUS IS REVOKED and the instant Civil Rights Complaint filed pursuant to Title 42, United States Code, section 1983 is FOR FAILURE TO PAY THE FILING FEE. IN THE ALTERNATIVE, the Court finds DEFENDANTS HAVE SHOWN THEY ARE ENTITLED TO QUALIFIED IMMUNITY AGAINST PLAINTIFF'S CLAIMS AND PLAINTIFF'S CLAIMS ARE DISMISSED WITH PREJUDICE. IN THE FURTHER ALTERNATIVE, plaintiff's claims are DISMISSED WITH PREJUDICE as FRIVOLOUS and FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Any pending motions are DENIED.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record.

It is SO ORDERED.

Signed this the 20th day of September, 2010.

/s/ Mary Lou Robinson
MARY LOU ROBINSON
United States District Judge